

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

Bail Appl.No. 7489 of 2007()

CRIME NO. 559/07 OF KANNUR TOWN POLICE STATION
.....

PETITIONER/ACCUSED

SANDEEP, S/O. PADMANABHAN, AGED 33 YRS,
RESIDING AT MINNANGAT, KAKKAD, KANNUR.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY
STATION HOUSE OFFICER, KANNUR TOWN POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. No. 7489 OF 2007

Dated this the 13th day of December, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations in a crime registered for offences punishable under Sec.427 of the IPC and Secs.3 and 5 of the Explosive Substances Act. The crux of the allegations in the crime is that an attack with an explosive was mounted against the General Manager of a spinning mills. Disciplinary action had been initiated against the petitioner and the petitioner was kept out of employment by the General Manager. The General Manager expressed suspicion even in the First Information Statement that the petitioner must have been the person responsible for indulging in such overt act. When the F.I.R. was registered, except suspicion, there was no tangible data available. Investigation has commenced. The petitioner

apprehends imminent arrest.

2. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. The General Manager has such bad relationship with the labour employed in the spinning mills that it would be idle to assume that the petitioner is the only person who has animus against the General Manager. Several complaints have been made about the improper behaviour of the General Manager. In these circumstances, the petitioner may not be left to endure the trauma of arrest and detention. He may be granted anticipatory bail subject to any appropriate terms and conditions, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor points out that sufficient indications are collected in the investigation which turns the needle of suspicion against the petitioner. The learned Public Prosecutor has placed the Case Diary for my perusal. I have perused the same. I must agree with the learned counsel that tangible substantive data to indicate the complicity of the petitioner is yet unavailable. But strong circumstances are there showing tangible reasons to suspect the petitioner of

involvement in the crime.

4. I have considered all the relevant inputs. The extraordinary equitable discretion under Sec.438 of the Cr.P.C. can and ought to be invoked only in a case where compelling reasons do exist. At the moment and with the available inputs, I am unable to agree that the suspicion against the petitioner of his involvement in the crime is unjustified or mala fide. I am unable to agree that the powers of arrest are about to be invoked with any oblique or questionable motive. For a proper investigation into this crime and to resolve the mystery of the crime interrogation of the petitioner appears to be absolutely necessary. I am not, in these circumstances, satisfied that the petitioner deserves to be granted anticipatory bail. He must resort to the ordinary and normal course of appearing before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular bail in the usual course. I find no features in this case which can persuade this Court to pass orders arming the petitioner with an order of anticipatory bail.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the

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Investigating Officer or the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge